

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

LANCE P. MCDERMOTT,

Plaintiff,

v.

UNITED STATES POSTAL
SERVICE,

Defendant.

CASE NO. C24-1943JLR

ORDER

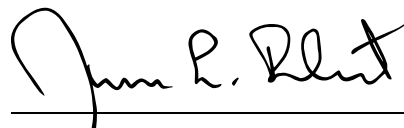
Before the court is Plaintiff Lance P. McDermott's motion for reconsideration of the court's February 19, 2025 order of dismissal and entry of judgment. (MFR (Dkt. # 18); *see* 2/19/25 Order (Dkt. # 16); Judgment (Dkt. # 17).) The court DENIES the motion.

A motion for reconsideration is an "extraordinary remedy . . . to be used sparingly" and the movant bears a "heavy burden." *Kona Enters., Inc. v. Estate of Bishop*, 229 F.3d 877, 890 (9th Cir. 2000). "The court will ordinarily deny such motions

1 in the absence of a showing of manifest error in the prior ruling or a showing of new facts
2 or legal authority which could not have been brought to its attention earlier with
3 reasonable diligence.” Local Rules W.D. Wash. LCR 7(h). Here, Mr. McDermott argues
4 that the court erred because “this appeal(s) and the original Federal Circuit appeals for
5 Review is of the injury to me from the [Merit Systems Protection Board’s (“MSPB”)]
6 Decision(s) to deny jurisdiction and any relief to me.” (MFR at 1.) This matter was
7 transferred to this court, however, because the MSPB and the Federal Circuit Court of
8 Appeals do not have jurisdiction over “mixed cases” involving discrimination. (*See*
9 Transfer Order (Dkt. # 1).) Rather, jurisdiction over such matters lies in the district
10 courts. (*See id.*) Further, as the court explained in its February 19, 2025 order, Mr.
11 McDermott has already asserted claims in this district arising out of the 2019 denial of
12 restoration and disability retirement. (2/19/25 Order at 3-4.)

13 The court concludes that Mr. McDermott has failed to meet his burden to identify
14 manifest error by this court or new facts or legal authority that he could not have raised in
15 his January 10, 2025 statement. (*Id.*; 1/13/25 Statement (Dkt. # 11).) Therefore, Mr.
16 McDermott’s motion for reconsideration (Dkt. # 18) is DENIED.

17 Dated this 3rd day of March, 2025.

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20 JAMES L. ROBART
21 United States District Judge
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